



125 Park Avenue, 7th Floor
New York, NY 10017
Telephone (212) 655-3500
Facsimile (212) 655-3535

Henry E. Mazurek
Partner
Direct (212) 655-3594
Fax (212) 655-3535
hem@msf-law.com

August 26, 2021

Via ECF

Hon. John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Sentencing adjourned to December 2, 2021, at
4:30 p.m. SO ORDERED.

New York, NY /s/ John G. Koeltl
August 31, 2021 John G. Koeltl, U.S.D.J

Re: *United States v. Shivanand Maharaj, No. 17 Cr. 169 (JGK)*

Dear Judge Koeltl:

We write on behalf of defendant Shivanand Maharaj respectfully to request an adjournment of his sentencing hearing, which is currently scheduled for Thursday, September 24, 2021.¹ We request that his sentencing date be adjourned for approximately 60 days to a date convenient to the Court.

Last time we requested an adjournment of Mr. Maharaj's sentencing hearing, we informed the Court of Mr. Maharaj's family's efforts to travel to the United States to attend his sentencing hearing. As the Court likely recalls, Mr. Maharaj's family, include his father and aunt, attended each day of their son and nephew's trial. As we previously reported, these relatives reside in Trinidad and Tobago. This Caribbean nation has been slow to obtain COVID-19 vaccines, but recent reports indicate a large number of Pfizer-BioNtech vaccines being donated by the United States this month. *See* Danica Coto, "US to deliver nearly 837K Pfizer vaccines to Caribbean," Associated Press, August 11, 2021 (U.S. announced on August 11, 2021 that Trinidad will receive over 305,000 doses of Pfizer vaccine in coming weeks). Indeed, Mr. Maharaj's father just received his first shot of the Pfizer vaccine and his aunt now has an appointment to receive her first dose in September.

¹ By email, dated June 17, 2021, I informed the Court's deputy that prior to the Court's scheduling of the September 24, 2021 sentencing date, I had travel commitments out of the country. My pre-booked travel is during the dates of September 22, 2021 to September 29, 2021. Therefore, if the Court denies this adjournment motion, which is made for alternative reasons stated *infra*, we still respectfully request a change of date outside the time of my scheduled international travel. The government has informed me that it has no objection to this more limited request.

Hon. John G. Koeltl
August 26, 2021
Page 2 of 2

Given that these closest family members are soon able to travel with much reduced health risks to them due to the vaccines, we believe that another extension of approximately 60 days will ensure less risk to them for travel to New York to attend the most important hearing for Shiva, their son and nephew. As we previously stated, not only is their presence desired at Mr. Maharaj's sentencing hearing itself, but as importantly, he relies on their support and comfort to meet the personal challenges that this final judgment will inevitably bring.

Moreover, the COVID-19 public health risks recently have spiked in New York due to the "delta variant." As a result of this newest developing risk from the pandemic, this Court, through Standing Administrative Order 21-MC-00164 (LTS) (Aug. 6, 2021), added new restrictions to unvaccinated visitors to the Courthouse. These include an *express prohibition* for unvaccinated (or not fully vaccinated) persons who do not comply with the Court's travel protocols. See A.O., 21-MC-00164 (LTS), at 2 (adding onerous testing and quarantine requirements for international travelers who are not fully vaccinated). These obstacles to courthouse visitation will not be applicable to Mr. Maharaj's family if the Court were to grant this adjournment request because they should be fully vaccinated by the end of October.

With all due respect, Mr. Maharaj's family should not have to weigh substantial public health risks against feelings of family responsibility to be present for their loved one at the time of his greatest need. Based on recent filings in other cases in this district, the government continues to consent to adjournments in other criminal matters to allow for the reduction in risks to litigants and their loved ones. We respectfully seek the same courtesy to Mr. Maharaj and his family.

We have conferred with Assistant United States Attorney Matthew Podolsky concerning this request and, on behalf of the government, he has indicated the government objects to any further adjournments of sentencing.

Respectfully yours,



Henry E. Mazurek
Counsel for Defendant Maharaj

cc: Counsel for the Government (by ECF)